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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/823,508

03/29/2001

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84022.0136

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20322 7590 12/31/2008  
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EXAMINER

VO, TUNG T

ART UNIT

PAPER NUMBER

2621

MAIL DATE

DELIVERY MODE

12/31/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 09/823,508	<b>Applicant(s)</b> FERNANDEZ ET AL.	
	<b>Examiner</b> Tung Vo	<b>Art Unit</b> 2621	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 03 September 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 68-73 is/are pending in the application.
- 4a) Of the above claim(s) 1-67 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 69-73 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 March 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Response to Decision by the BPAI***

1. The previous rejections of claims 68-72 have been reversed by the Board of Patent Appeals and Interferences, therefore, prosecution of the above claims is reopened. A rejection for the claims on new grounds follows below.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 68, 70, and 72 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. In claims 68, 70, and 72, “such video surveillance of the mobile buyer to be performed automatically by the software having adaptive person-image visual recognition ability automatically to provide computer-implemented visual indication of a personal image of such mobile buyer” is not disclosed in the specification. The specification does not describe a biometric device to extract the features and characteristic parameters of a face image of the buyer to perform face recognition.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 68, 70, and 72 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fan et al. (US 5,959,577) in view of Hollenberg (US 6,091,956) and further in view of Hull et al. (US 5,806,005).

Re claims 68, 70, 72, Fan teaches an Internet coupled network for electronically linking at least one fixed vendor processor (base station, 27 of fig. 1) to at least one mobile buyer processor (1 and 3 of fig. 1) comprising:

a storage (32 of fig. 2) and a processor (38 of fig. 2) for carrying out a method for transacting between vendor and buyer processor comprising the step of: determining a first location of a mobile buyer processor coupled to the Internet (col. 3, lines 10-46, detecting the location of mobile unit and the network would be obviously the Internet, Wireless Network, 10 of fig. 1);

receiving from the mobile buyer processor a first transaction message (318 of fig. 13);  
sending to the mobile buyer processor a second transaction message indicating a first fixed vendor processor proximately disposed to the first location (col. 5, lines 2-51);

wherein the second transaction message is caused to be sent adaptively by software that matches a mobile interest as maps, traffic situation in particular area, position of service stations and destination of interest, with a fixed vendor service or product position of service stations by

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using past movement or location of the mobile buyer, thereby local transaction efficiently between the mobile buyer and a nearby vendor (32, 36, 38 of fig. 2, e.g. the processing unit (38) process a mobile interest from database storage (32) based upon the request by the user, wherein the processing unit is able to locate a nearby vendor for the user interest; see also col. 4, lines 42-55).

Moreover, Fan further teaches the second transaction message indicating real-time inventory (update gas station, food, or hotel services) or product of interest to the mobile buyer available at the nearby vendor (27, 32 of fig. 2), the software providing by the vendor processor (38 of fig. 2) to a video surveillance of the mobile buyer (As shown in Fig. 3, Under periodic update mode 53, at step 55, mobile unit 1 waits for the next scheduled position update. At the time of a scheduled update, i.e., at step 58, a mobile unit (1) calls to establish network service connection 10 for accessing data network 27 and transmits to data processing station 18 an outbound data package. Upon receiving the outbound data package, data processing station 18 responds to the operator's query by searching database 32, updating a map retrieved from map storage 63, and transmitting the map to mobile unit 1 an inbound data package, see figs. 12 and 13). It is interpreted that the real time inventory of service of interest to the mobile buyer available at the nearby vendor is the inbound area that provides the services of gas station, food, or hotel are available to the mobile buyer.

Furthermore, Fan teaches the second transaction message (the request for second inbound area) indicating real-time inventory of service (the gas station, food, or hotel is available in the inbound area at real time) or product of interest to the mobile buyer available at the nearby vendor (fig. 2, elements 18, 32 and 38; see also figs. 12 and 13, the mobile user selects gas

station (request the inbound map) the map with gas station are shown on the LCD at the real time, called real time inventory of service).

Fan further suggests the software being partitioned modularly or layered hierarchically in a first core component comprise a database (18 of fig. 5, see also 38 of fig. 2; e.g. data processing station may also perform a database search for travel-related information, such as directions to a gasoline station); and a next function component comprising a transaction module (144 of fig. 5; Note in the figure 5, a wireless modem circuit (146) provides the outbound data package to data network (27 of fig. 2) over wireless telephone network interface (148) via service connection (10 of fig. 1). Depending on the application, control section (133) may or may not be programmed for receiving an inbound data package from wireless transceiver (144)); whereby one or more software agent (figs. 3, 4, 6, 7, 12, and 13, e.g. the Internet is used as data network 27 (FIG. 1), the necessary hardware and software for implementing a monitor unit are readily available. Most computers that have the ability to access the Internet, together with a standard web browser, can be used to access data processing station 18 to perform the functions of the monitor units described above. Since a monitor unit can receive a map from data processing station 18, such as the map displayed on LCD 212 in FIG. 12, which can be displayed using conventional graphics software, the monitor unit is not required to be equipped with any special map software or a map database) functions cooperatively with or uses the first core or next core component to enable extended or integrated network transaction between vendor (gas station) and buyer processors (1 of fig. 1; Note FIG. 13, the response from data station 18 is received in mobile unit 1 through transceiver/antenna assembly 208 and displayed on LCD 212. In this instance, the query sent to data station 18 corresponds to the selection of "gas station". In

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FIG. 13, data processing station 18 returns to mobile unit 1, in an inbound data package, a map, which is displayed on LCD 212, showing the vicinity of mobile unit 1. Mobil unit 1's position is indicated on LCD 212 by a marker 225. The locations of several gas stations, indicated by markers 220 are also displayed).

However, Fan does not particularly suggest or teach location based pricing of service or product of interest to the mobile buyer available at the nearby vendor and thereby automatically enabling video surveillance of mobile buyer to be performed automatically by the software having personal image visual recognition ability automatically to provide computer implemented visual reorganization of a personal image such mobile buyer as claimed.

Hollenberg teaches location based pricing of service or product of interest to the mobile buyer available at the nearby vendor (col. 9, lines 15-23, e.g. an information system with which a shopper can better serve himself or herself by, for example, determining product availability by querying a store's inventory, determining the price of products using a handheld multiple-use electronic device which includes a bar-code reading device, and electronically paying for the selected merchandise without requiring assistance from store personnel).

Hollenberg suggests the software being partitioned modularly or layered hierarchically in a first core component comprise a database (col. 23, lines 37-63); and a next function component comprising a transaction module (col. 23, line 64-col. 24, line 28); whereby one or more software agent functions cooperatively with or use the first core or next core component to enable extended or integrated network transaction between vendor and buyer processors (fig. 13 and 14).

Therefore, taking the teachings of Fan and Hollenberg a whole, it would have been obvious to one of ordinary skill in the art to incorporate the teachings of Hollenberg into the Internet coupled network of Fan for to update the location based pricing of service and able view or observe the image of the person of mobile buyer.

Doing so would allow many stores are cutting costs by reducing staffing and merchandise inventories. Shoppers searching for price or stock information in a store must now spend more time searching the isles for help in finding the merchandise they seek. Clearly, useful time-critical and specific information about stores' offerings, merchandise information, is increasingly out of reach.

It is further noted that the combination of Fan and Hollenberg does not particularly teach the software providing access by the vendor processor to a video surveillance of the mobile buyer for automatically enabling video surveillance of mobile buyer to be perform automatically by the software having adaptive personal image visual recognition ability automatically to provide computer implemented visual reorganization of a personal image such mobile buyer as claimed.

It should be noted that the claimed invention explicitly disclose biometric device to extract the features and characteristic parameters of a face image of the buyer to perform face recognition, and the rejection is based on the reasonable interpretation of the claimed limitation reciting to perform video surveillance automatically by the software having adaptive personal image visual recognition ability automatically to provide computer implemented visual reorganization of a personal image such mobile buyer, which will distinguish between the face of the buyer and the other objects.



Hull teaches the software providing access by the vendor processor (14 of fig. 1) to a video surveillance (10 of fig. 1) of the mobile buyer (portable device indicated as a mobile buyer or user) automatically enabling video surveillance of mobile buyer (20 of fig. 1, e.g. the sever sends the signal to the camera (20 of fig. 1), and the camera (20 of fig. 1) are automatically transmit the image to the server, see col. 2, lines 39-63) to be performed automatically by the software (col. 3, lines 55-60; A face recognition is software that enables to extract features of a personal image of the buyer or user and then compare with a pre-stored database, e.g. 58 of fig.1, to recognize the personal image of the buy or user) having adaptive personal image visual recognition ability automatically to provide computer (14 of fig. 1, the CPU 52 enables to compare the personal image with the pre-stored image interactively to visually recognize the personal image of the buyer) implemented visual reorganization of a personal image such mobile buyer (col. 3, lines 55-60, e.g. face recognition).

Therefore, taking the teachings of Fan, Hollenberg, and Hull as a whole, it would have been obvious to one of ordinary skill in the art to modify the device of Hull into the combined system of Fan and Hollenberg to improve customer or buyer's image recognition.

6. Claims 69, 71, and 73 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fan et al. (US 5,959,577) in view of Hollenberg (US 6,091,956) and further in view of Hull et al. (US 5,806,005) as applied to claims 68, 70, and 72, and further in view of Kennedy, 111 et al. (US 6,301,480).

Re claims 69, 71, and 73, the combination of Fan, Hollenberg, and Hull teaches the mobile detector and Hollenberg suggests mobile computer (fig. 11, see Hollenberg) to access the

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online Auto Services (6u of fig. 11) so that the user or client easily make an appointment for any kind of auto services in advance.

However, the combination of Fan, Hollenberg, and Hull does not particularly teach a single chip sensor coupled to a mobile buyer to determine that the vehicle has a flat tire or airbag deployment.

However, Kennedy teaches a mobile communication unit (12 of fig. 1) comprises an accelerometer and personal health sensor, and any other suitable sensors (e.g. airbag sensor, flat tire sensor) that generate information on the status of mobile unit, a flat tire or airbag deployment (12 of fig. 1; see col. 3, lines 15-18).

Therefore, taking the combined teachings of Fan, Hollenberg, Hull, and Kennedy as a whole, it would have been obvious to one of ordinary skill in the art to incorporate the teachings of Kennedy into the combined system of Fan, Hollenberg, and Hull in order to provide the determined information on the status of the mobile unit (car, truck) to the remote location (16 of fig. 1).

Doing so would provide the advantages of the system include the adaptation of the system to provide mobile units are associated with cars, trucks, boats, barges, airplanes, cargo holders, persons or other mobile items such as ambulance vehicle that desire a selection of services. These services include emergency services, roadside assistance, information services (e.g., directions, news and weather reports, financial quotes, etc.), or other as suggested by Kennedy.

***Contact Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tung Vo whose telephone number is 571-272-7340. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mehrdad Dastouri can be reached on 571-272-7418. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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